

REMARKS

The foregoing amendment is intended to obviate a rejection under 35 U.S.C. § 112.

Rejection under 37 C.F.R. § 112

Claims 72, 73, 86 and 87 have been rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite. The Examiner has specifically objected to the terms “meat products including blood and fat” and “egg products including shell and yolk”. These claims have now been amended to change the terms in question to “meat products that contain blood or fat” and “egg products that contain shell and yolk”, respectively.

Claims 72 and 86 are also being amended to change “whole and processed seeds including cereal grains” to read “whole and processed seeds, cereal grains”. As originally presented, these terms indicated that grains are a subset of seeds. This is, of course, inaccurate and, as indicated in the specification at page 9, lines 8-14, seeds and cereal grains should be regarded as separate items within the recited Markush group.

Rejection under 35 U.S.C. § 103

All of the claims in this application have been rejected as obvious over an article by Leirs et al, “Palatability and toxicity of fipronil as a systemic insecticide in a bromadiolone rodenticide bait for rat and flea control”, in view of an article by Petterino et al “Toxicology of Various Anticoagulant Rodenticides in Animals” and Jeannin US Patent No. 6,162,820. Reconsideration of this rejection is respectfully requested.

The primary reference, the Leirs article, is concerned with incorporating fipronil into bromadiolone rodenticides. Fipronil is a recognized insecticide/acaracide and the reference discloses the incorporation of fipronil into rodenticides comprising bromadiolone. Applicants

are not claiming compositions comprising bromadiolone or any methods for their use. Rather, Applicants' claims are limited to the specific rodenticides brodifacoum, difethialone and flocoumafen.

The Petterino article, one of the secondary references, discloses the so-called "second generation" rodenticides brodifacoum, bromadiolone, difenacoum, difethialone and flocoumafen and is concerned with the mechanism of their action in rodents. The reference does not disclose the possibility of adding fipronil, or any other insecticide/acaricide, to compositions containing these second generation compounds.

Jeannin US Patent No. 6,162,820 discloses compositions for removing parasites in mammals and related methods of use. The specific agents for removal of parasites include fipronil – column 3, lines 6-9. However, this reference does not disclose the possibility of combining fipronil or any other similar agent with a rodenticide.

Although the cited references disclose various features of Applicants' claims, they do not render obvious Applicants' invention taken as a whole. Therefore, the rejection does not meet the requirements for a valid rejection under 35 U.S.C. § 103.

CONCLUSION

In view of the foregoing amendment and these remarks, it is believed that all claims in this application are now in condition for allowance. Favorable action is therefore requested.

Applicant : Gary Raymond Bowman et al.
Serial No. : 10/587,112
Filed : August 15, 2006
Page : 11 of 11

Attorney's Docket No.: 08291-0747US1 / 11344P5 US

Please apply any charges or credits to deposit account 06-1050, reference 08291-0747US1..

Respectfully submitted,

Date: 10 December 2009

/Frederick H. Rabin/

Frederick H. Rabin

Reg. No. 24,488

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (877) 769-7945

22320215.doc